

Exhibit A to City Council's Findings and Analysis

Consistency of Proposed Regulations for Adult Cabarets with Seattle's Comprehensive Plan

Seattle regulates the uses permitted in a land use category or zone so that adjacent uses and zones are appropriate neighbors. By defining the different uses that are permitted in an area, and the conditions under which they are permitted, Seattle's Comprehensive Plan creates different types of districts. While not specifically addressing adult cabarets, Seattle's Comprehensive Plan contains goals and policies relating to the compatibility of uses.

LU8 Allow or prohibit uses in each zone based on the intended function of the zone and the impacts the uses can be expected to have on the zone and the surrounding area.

Residential Areas Policies

Seattle's residential area policies emphasize the need to protect residential areas from incompatible uses and activities. In single family neighborhoods the policies recognize that some non-residential uses may be consistent with residential zoning, such as churches and schools or parks. Specific policies address how to accommodate institutional use. No policies for commercial uses in single family zones exist.

The Comprehensive Plan encourages allowing some level of commercial use in higher density multifamily zones. The anticipated commercial uses are those that can be anticipated to fulfill the needs of local residents. These uses do not include entertainment or uses that would otherwise conflict with the necessity of protecting residential neighborhoods from the impacts of commercial activity such as noise, or parking and traffic. The policies also emphasize the need to provide transitions between residential zones and areas of more intense commercial or non-residential activity.

Because adult cabarets are commercial uses, they are not appropriate in single family areas. Because of their negative impacts, they are also a use that the City can reasonably say is incompatible with the multifamily zones.

LU62 Limit the number and types of non-residential uses permitted in single-family residential areas to protect those areas from the negative impacts of incompatible uses.

LU63 In order to maintain single-family areas in residential use, prohibit parking lots or other uses accessory to permitted uses in abutting higher intensity zones from expanding into single-family residential areas.

LU78 Limit the number and type of non-residential uses permitted in multifamily residential areas to protect these areas from negative impacts of incompatible uses.

LU79 Provide zoning classifications that permit limited amounts of commercial use in what are otherwise residential zones in order to either provide retail and service uses in close proximity to residents in the densest multifamily environment or to create transitions between commercial and multifamily areas.

Commercial Areas Policies

Commercial area policies emphasize vital mixed use commercial neighborhoods that contain business activities that serve, and are compatible with the character of, surrounding neighborhoods. Commercial area policies generally emphasize mixed uses and favor uses that provide the goods and services needed by City residents. The primary distinction among commercial areas is between those areas that may be oriented to vehicle access versus those areas that are primarily pedestrian-oriented. In general, Seattle's Comprehensive Plan favors the conversion of auto oriented, general commercial zones to a pedestrian orientation.

Adult cabarets can have a negative effect on the business climate in a neighborhood and discourage pedestrians who aren't patrons. Commercial areas on the City's Future Land Use map, which governs how zoning designations are distributed across Seattle, are frequently narrow and many of them abut single-family neighborhoods, without structural or topographic barriers. Therefore, allowing adult cabarets in these areas would work against the City's goals for commercial areas as pedestrian-oriented, neighborhood-serving business districts.

LUG17 Create strong and successful commercial and mixed-use areas that encourage business creation, expansion and vitality by allowing for a mix of business activities, while maintaining compatibility with the neighborhood-serving character of business districts, and the character of surrounding areas.

LU107 Distinguish between pedestrian-oriented commercial zones which are compatible with and easily accessible to their surrounding neighborhoods, and general commercial zones which are intended to accommodate commercial uses dependent on automobile or truck access.

LUG20 Encourage diverse uses that contribute to the city's total employment base and provide the goods and services needed by the city's residents and businesses to locate and remain in the city's commercial areas.

LU134 Use general commercial zones to support existing auto-oriented commercial areas serving a citywide or regional clientele ...In order to support more pedestrian-friendly environments within urban villages, encourage the conversion of general commercial areas within urban villages to pedestrian-oriented commercial zones.

Downtown Neighborhood Plan Policies

The Comprehensive Plan for downtown is based upon the Downtown neighborhood plan. The policies developed as part of the Downtown Neighborhood Plan encourage a compactly developed area, supporting a diversity of uses, including residential, arts and entertainment, and retail, in a pedestrian environment with high pedestrian volumes. Many of Seattle's Downtown neighborhood goals talk of encouraging investment to serve the needs of downtown residents and workers, including a re-invigorated retail environment, opportunities for childcare for workers and residents, and care for Seattle's distinctive neighborhoods downtown.

City policies are intended to maximize housing throughout Downtown, and adult cabarets would be considered incompatible with goals for attracting both pedestrian-oriented businesses and housing. Auto orientation, blank facades, negative effects on surrounding businesses, all characteristics of adult cabarets, are discouraged in areas where residential uses are encouraged.

DT-G7 Encourage a mix of housing, employment and related support activities in a crescent bounding the office and retail cores. Within this crescent, foster areas that are predominantly residential in character, including the Chinatown/International District and Belltown. Encourage housing as the primary use in these areas and limit the type and scale of non-residential uses allowed to ensure that such development is compatible with a residential neighborhood.

DT-G10 Seek to significantly expand housing opportunities in downtown Seattle for people of all income levels...

DT-G11 Seek to address the increased demand for child care services generated by increased employment growth downtown and support the provision of adequate human services to meet the needs of downtown residents and workers.

Uses that serve the downtown residential community and workers who spend much of their day downtown are encouraged. These uses are intended to support increases in residential and office uses. Uses such as childcare and other human service uses are inconsistent in an environment of adult cabarets.

DT-LUP6 Use overlay and district regulations to further specific goals and objectives for areas of downtown where guidance is needed to protect and promote special qualities. Recognize sensitive environmental, physical, historical or cultural qualities of these areas by coordinating land use district classifications with overlays as appropriate.

The street level environment of downtown is important to attaining downtown goals. Pedestrian circulation and accessibility, safe streets, transparency along pedestrian walkways, businesses serving downtown residents and visitors, are promoted.

DT-TP5 Promote pedestrian circulation as the principal method of movement for trips within downtown. Improve the street level environment as the primary component of the pedestrian network. Strive to make the pedestrian network accessible to the elderly and disabled.

COM-G1 Maintain the Commercial Core as a major employment center, tourist and convention attraction, shopping magnet, residential neighborhood, and regional hub of cultural and entertainment activities.

DEN-G1 A diverse residential neighborhood with an even distribution of income levels.

Industrial Areas Policies

In identifying the majority of the City's industrial zoned areas as a Manufacturing and Industrial center, the Comprehensive Plan commits the City to protection and preservation of industrial land. While broadly prohibiting residential uses, the Plan Recognizes the historical development of industrial areas and the necessity of allowing other non-industrial uses in industrial areas. The Comprehensive Plan sets out policies that identify uses that should be allowed to the extent that they are compatible with industrial traffic and activities or do not threaten to significantly preclude industrial activities.

LU156 Use the General Industrial zones to promote the full range of industrial activities and related support uses. Distinguish among general industrial zones based on the density permitted for commercial uses not related to industrial activity.

LU158 Seek to protect industrial activity by differentiating among General Industrial zones according to permitted densities for commercial uses not directly related to industrial activity and by limiting the size of certain permitted uses.

The City's policies generally talk about "limiting," as opposed to "prohibiting" non-industrial uses. While it disfavors unrelated uses, the emphasis is on uses that conflict with industrial activities or that would convert significant amounts of Industrial land. If a use conflicts with industrial uses it should be restricted or prohibited.

UV 24 Limit in manufacturing/industrial areas those commercial or residential uses that are unrelated to the industrial function, that occur at intensities posing short- and long-term conflicts for industrial uses, or that threaten to convert significant amounts of industrial land to non-industrial uses.

LUG27 Restrict or prohibit uses that may negatively affect the availability of land for industrial activity, or that conflict with the character of industrial areas.

Where commercial uses reinforce industrial character or serve industrial uses they are permitted, but otherwise the Comprehensive Plan calls for limiting specific uses that are

non-industrial. These limits have been interpreted to pertain to retail and office uses in industrial areas. These uses that are limited need not necessarily reinforce industrial character in order to be permitted.

LU143 Permit commercial uses in industrial areas to the extent that they reinforce the industrial character, and limit specified non-industrial uses, including office and retail development, in order to preserve these areas for industrial development.

GD-G8 the Duwamish Manufacturing/Industrial Center remains a Manufacturing/Industrial Center promoting the growth of industrial jobs and businesses and strictly limiting incompatible commercial and residential uses.

GD-P8 Strive to protect the limited and non-renewable regional resource of industrial, particularly waterfront industrial, land from encroachment by non-industrial uses.

(Emphasis on protecting waterfront industrial land.)

Given the City's legal requirement to allow adult cabarets in the City, it may be necessary to make choices in spite of policies that arguably disfavor them in any zone. All of the City's commercial/mixed uses areas, including downtown, have one common characteristic, housing is allowed and to some extent encouraged, in an environment that is pedestrian and neighborhood serving. Industrial zones are the only zones not generally allowing residential uses, that do not encourage supporting services such as childcare or schools at which children may be present, or neighborhood serving retail sales and services, and do not emphasize a pedestrian environment.